



TO: Representative Fox
Senator Coleman
All members of the Judiciary Committee
FROM: Denise Merrill, Secretary of the State
DATE: March 12, 2012
RE: H.B. 5147 AN ACT CONCERNING THE UNAUTHORIZED
PRACTICE OF LAW BY NOTARIES PUBLIC

The Office of Secretary of the State has jurisdiction over Connecticut notary publics, and would like to offer this brief statement about the subject of the bill.

Though the phrase 'notario publico' is a direct translation of notary public, the meaning is quite different. In Spanish speaking nations a 'notario publico' is a specialized attorney, which is not the case of notary publics here.

Over the years, the Office of the Secretary of the State has received numerous complaints about the advertising of 'notario publicos' alleging that these individuals have been practicing law illegally. It is beyond the scope of my agency to investigate if an individual is practicing law without a license; that responsibility lies elsewhere. Nonetheless, we recognize the possibility that bad actors may be licensed through our office and the potential problem this may cause to consumers who may be misled.

Connecticut General Statute states:

Sec. 3-94h. Prohibited acts. A notary public shall not (1) perform any official action with intent to deceive or defraud or (2) use the notary's title or seal in an endorsement or promotional statement for any product, service, contest or other offering.

It should be noted that translations of the term 'notary public' into other languages may also be problematic for the same reasons. For instance in Sri Lanka and India, notaries are actual licensed attorneys. If the bill 5147 is to pass, we would recommend a broader language relating to translation of the term 'notary public'.